IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 933 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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RATANSINHJI SODHA CHARITABLE TRUST - Petitioner(s)

Versus

STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :

MS MAMTA R VYAS for Petitioner(s) : 1,
MR PK JANI, ld. Advocate for Respondent No.2

GOVERNMENT PLEADER for Respondent(s) : 1,
RULE NOT RECD BACK for Respondent(s) : 1 - 3.

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 07/02/2006

ORAL JUDGMENT

1.By way of this petition under Article 226 of the Constitution of India, petitioner has prayed for an

appropriate writ, direction and/or order quashing and setting aside the decision dated 1-12-2005 communicated by the Deputy Director of the Director of Primary Education, State of Gujarat, Gandhinagar refusing to grant NOC in favour of the petitioner to start PTC college from 2006-2007.

2. It is the case of the petitioner that as the petitioner – trust wants to start PTC College from 2006-07, they had submitted an application to the NCTE and simultaneously they have also submitted an application to the State of Gujarat for NOC to start new PTC college from June, 2006. However, the petitioner is communicated by communication dated 1-12-2005 by the Deputy Director of Primary Education that against requirement of 4,000 to 5,000 PTC trained teachers, every year approximately in the primary schools of the state, more than 12,000 trained candidates are available and therefore, it is decided not to grant NOC for any new college or increase intact in the existing college and therefore, their request for grant of NOC is rejected. Being aggrieved by and dissatisfied with the same, the petitioner has preferred the present Special Civil Application for the aforesaid relief.

3. Ms Mamta Vyas, ld. Advocate appearing on behalf of the

petitioner has relied upon the judgment of this court in the case of Shree Gram Sarvajanik Education Trust V. State of Gujarat reported in AIR 2005 GUJ page 247 as well as the decision of the Division Bench of this court dated 30-11-2005 rendered in group of LPA being LPA No.1571/05 in Special Civil Application No.22148/05 and other allied matters and therefore, it is requested to allow the present application directing the NCTE to decide the application of the petitioner for opening PTC college independently.

4. In response to the notice issued by this court, Shri PK Jani, learned advocate appears for the NCTE and it is submitted by him that now the application of the petitioner is required to be decided considering the procedure laid down in NCTE (Recognition, Norms & Procedure) Regulations, 2005, more particularly Regulation 7 as the new Regulations of 2005 has come into force with effect from 13-1-2006 and therefore, it is requested to pass appropriate order.

5. Heard learned advocates appearing for the parties.

6. Identical question came to be considered by this court in group of Special Civil Applications being Special Civil Application No.612 of 2006 and other allied matters and by judgment and order dated 2-2-2006, this

court has directed the NCTE to decide and dispose of the application submitted by the applicants for staring new PTC/B.Ed. College considering the provisions of NCTE (Recognition, Norms & Procedure) Regulations, 2005, more particularly Regulation 7 of the said Regulations.

7. Under the circumstances, the present application is disposed of by directing the respondents, more particularly, the NCTE to decide and dispose of the application submitted by the petitioner considering the provisions of the NCTE (Recognition, Norms & Procedure) Regulations, 2005 and in light of the observations made by this court in its decision rendered in SCA No.No.612 of 2006 and other allied matters. Rule is made absolute to the aforesaid extent. However, there will be no order as to costs. DS permitted.

(M.R.SHAH,J.)

shekhar/-